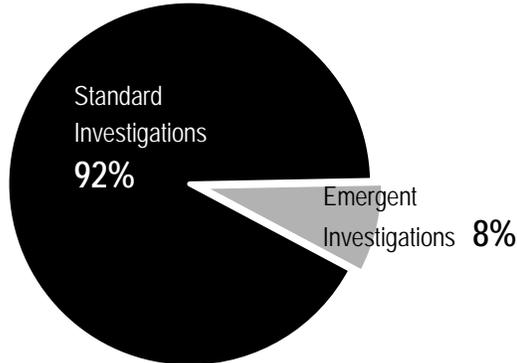


RESPONDING TO COMPLAINTS

The Ombudsman investigates and analyzes every complaint that it receives.¹ Through impartial investigation and analysis, the office determines what response is appropriate. The Ombudsman may respond by working to change a decision by the Department of Social and Health Services (DSHS) or another agency, or the office may take no further action because it has determined that the agency has properly carried out its duties.

Type of Investigations Completed

September 1, 2002 to August 31, 2003



Total Investigations = 460

Source: Office of the Family and Children's Ombudsman, August 2004

Completed Investigations

Between September 1, 2002 and August 31, 2003, the Ombudsman completed 460 complaint investigations – an increase of nearly 13 percent from the previous year.²

This accomplishment was achieved despite the loss of Ombudsman staff due to reductions in the state operating budget. Following the reduction, the Ombudsman implemented substantial operational efficiencies, including streamlining its investigative process and prioritizing investigations of complaints involving current issues, rather than past actions.

The vast majority of completed investigations were standard non-emergent investigations. One out of every thirteen investigations met the

Ombudsman's criteria for initiating an emergent investigation, most often involving complaints about a child's safety, or where timely intervention by the Ombudsman could make a significant difference to a child or family's immediate well-being.

¹ The Ombudsman may also initiate an investigation without a complaint. During the reporting year, the office initiated nine investigations as a result of independent information obtained by way of news reports or by a call of concern where the caller did not wish to file a formal complaint, but provided sufficient information to warrant follow-up by the Ombudsman. Two thirds of these investigations were closed after the Ombudsman's concerns were resolved, and one third were closed without further action.

² Of the 460 completed investigations, 83 percent were investigations of complaints received during the reporting year, while 17 percent were of complaints received in a previous year. Eighteen percent of complaint investigations were still open at the end of the reporting year. For the purposes of this section, investigations of complaints raising identical issues are counted only once.

Analyzing Complaints

The objective of a complaint investigation is to determine whether DSHS or another agency should be induced to change a decision because the Ombudsman has concluded that the agency has violated law, policy or procedure, and/or unreasonably exercised its authority.

The Ombudsman's analysis begins when the lead Ombudsman presents his or her written investigative report at a weekly team review meeting.

Team Review

Team review includes the Ombudsman director and the office's other Ombudsman staff, who have extensive professional experience in law and social work.

The Ombudsman's report provides a detailed background of the case and sets forth specific complaint issues, the Ombudsman's analysis of each issue, and his or her recommendation about how the Ombudsman should respond. These confidential reports are for internal use only and are not released to the complainant or the agency.

After reading the report and listening to the Ombudsman's summary, the team members may pose questions, test assumptions, identify information gaps, identify problematic policy or practice issues, raise additional issues for investigation or analysis, offer an alternative analysis or recommendation, and/or play "devil's advocate."

While the Ombudsman review team generally reaches a consensus when determining the merits of each complaint, the director has ultimate decision-making authority.

If the Ombudsman determines that a complaint does not meet the applicable criteria (see sidebar), the lead ombudsman personally notifies the complainant and explains the office's rationale for not taking further action. Additionally, the Ombudsman refers the complainant to an agency or resource that may be of assistance. The investigation is then closed.

If the Ombudsman determines that a complaint meets the criteria, the lead Ombudsman brings the matter to the attention of appropriate agency officials. The specific action taken by the Ombudsman will depend on the facts and circumstances of the individual complaint. (See "Responding to Complaints" section for a selection of case studies illustrating how the Ombudsman resolves complaints.)

The Ombudsman acts as an impartial fact finder and not as an advocate,

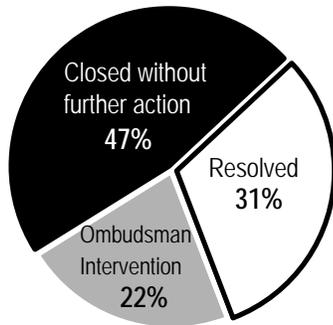
so the review team's focus is on determining whether the issues raised in the complaint meet the following objective criteria:

- ▶ The alleged agency conduct is within the Ombudsman's jurisdiction.
- ▶ The alleged agency action or inaction did occur.
- ▶ The agency action or inaction violated law, policy or procedure or was clearly inappropriate or unreasonable under the circumstances.
- ▶ The agency's action or inaction was harmful to a child's safety, health, well-being, or right to a permanent family. Or it was harmful to appropriate family preservation, contact or reunification.

When the Ombudsman takes action on a complaint, the person who filed the complaint is informed of the progress and final resolution of the case. Complaints are often resolved during the course of the Ombudsman’s investigation – even before the Ombudsman has made a determination on whether the criteria were met. When this occurs, the lead Ombudsman presents the complaint to the Ombudsman review team, documents any problematic policy or practice issues, and then closes the investigation.

Emergent Investigation Results

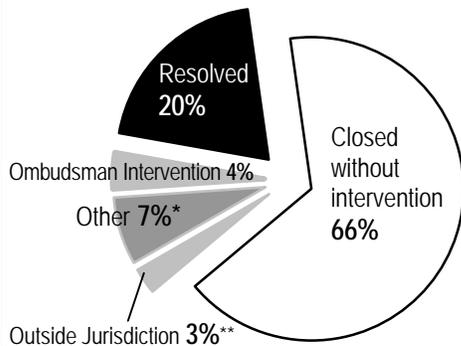
September 1, 2002 to August 31, 2003



Total Emergent Investigations = 36

Standard Investigation Results

September 1, 2002 to August 31, 2003



Total Standard Investigations = 424

* Other includes investigations that were closed because the complaint issue became moot or for some other reason could not be fully investigated.

** After an investigation is closed because it is outside of the Ombudsman’s jurisdiction, the complainant is referred to appropriate resources for assistance.

Source: Office of the Family & Children’s Ombudsman, August 2004

Emergent Investigations

The Ombudsman criterion for initiating an emergent investigation:

If true, the alleged agency action or inaction places the safety or well-being of a child or family at imminent risk of harm.

Results

Between September 1, 2002 and August 31, 2003, the Ombudsman resolved 31 percent of complaints that were the subject of an **emergent investigation**. As mentioned earlier, emergent investigations most often involved concerns about a child’s safety or well-being. In many cases the Ombudsman’s efforts to ensure that critical information was obtained and considered by the agency and to facilitate timely communication among the people involved resolved the concern.

Nearly **one-quarter** of emergent investigations were closed after direct intervention by the Ombudsman to induce the agency to correct an unauthorized or unreasonable decision or course of action.

During the same period, the Ombudsman resolved nearly 25 percent of complaints that were the subject of a **standard investigation**. Nearly two thirds of standard investigations were closed after the office determined that further action was not warranted.